

**United States District Court
Eastern District of Pennsylvania**

ERIC SUBER and MARY LYNNE FORREY-
SUBER, on their own behalf and on behalf of all
others similarly situated,

Plaintiffs,

v.

Liberty Mutual Insurance Group, Inc., d/b/a Liberty
Mutual Insurance, Liberty Mutual Insurance
Company, Safeco Insurance Company of America,
and LM General Insurance Company,

Defendants.

Case No. 2:21-cv-4750-GAM

**PLAINTIFFS' MOTION TO STRIKE DIRECTED TO LM GENERAL
INSURANCE COMPANY ("LM GENERAL") REGARDING FOOTNOTE
FIVE OF MOTION TO DISMISS AND PORTIONS OF LM GENERAL'S
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFFS' COMPLAINT**

Plaintiffs Eric Suber and Mary Lynne Forrey-Suber, by and through their attorneys, respectfully move this Court for an order pursuant to Fed. R. Civ. P. 12(f) and Local R. Civ. P. 7.1, striking footnote five of Defendants' Motion to Dismiss (ECF 11-1) as well as portions of the Answer and Affirmative Defenses to Plaintiffs' Complaint filed by LM General (ECF 12). The grounds for this Motion are set forth in the accompanying Memorandum of Law, which is incorporated by reference as if fully set forth herein.

Dated: February 9, 2022

Respectfully submitted,

/s/ Kevin W. Fay

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CERTIFICATE OF SERVICE

I, Kevin Fay, Esquire, hereby certify that on this 9th day of February, 2022, the foregoing Motion to Strike Directed to Defendant LM General Insurance Company was filed via the Court's CM/ECF Filing System.

Respectfully submitted,

/s/ Kevin W. Fay

Kevin W. Fay Esquire
Attorney for Plaintiffs